

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 9, 14, 17, 24, and 27 have been amended. Claims 2, 5, 15, 18, and 21-23 have been cancelled without prejudice. New claims 30-34 have been added. Therefore, claims 1, 3, 4, 6-14, 16, 17, 19, 20, 24-34 are now presented for examination. The following remarks are in response to the final Office Action mailed on June 28, 2004.

35 U.S.C. § 102 Rejection

Claims 1-2, 4, 6-12, 14-18, 20, 24, and 26-29 stand rejected under 35 U.S.C. §102(e), as being anticipated by Kenner et al., U.S. Patent No. 6,269,394 (“Kenner”).

Applicants respectfully submit that Kenner discloses “[w]hen *the user requests a desired video clip, the request is processed by a primary index manager (“PIM”) via a Local Search and Retrieval Unit (“SRU”) [and] . . . [b]efore the message is communicated to the PIM*, the local SRU checks its own storage to see whether the requested video clips are available locally . . . [t]he PIM determines the extended SRU where the audio-visual data is stored and passes this information to a Data Sequencing Interface (“DSI”) . . . [which] collects the video clips and downloads the clips to the user’s terminal . . . [t]he user may then view, copy, or print the video clip as desired” (Abstract). Stated differently, Kenner discloses attempting to provide video clips “stored locally” and, if such attempt fails, to provide “a system whereby remotely stored audio and video content can be requested and retrieved from a server selected so as to maximize network capacity and minimize transmission delays” (col. 1, lines 11-21).

Applicants respectfully disagree with the Examiner’s characterization of the reference and further add that Kenner discloses *using the local SRU before the message is communicated to the PIM* and the PIM receives the request “so that the *PIM may determine specific video clip*

usage” (Abstract). It is only when the information is not found locally that the “*PIM attempts to locate* the closest server containing the requested clip, from which the download is completed” (Abstract). In other words, Kenner teaches away from locating servers and only when the information is not found locally that it *attempts to locate* a server, which is not the nearest streaming server to the requesting system. It is to be noted that Kenner does not teach or reasonably suggest that the “closest server” is the nearest streaming server to the requesting system, as recited by claim 1.

Claim 1, in pertinent part, recites “receiving a request for data from a requesting system, the request having an address associated with the requesting system; receiving an identifier corresponding to the address from an edge server of a plurality of edge servers, the edge server having the requested data; selecting the edge server to provide the requested data to the requesting system, wherein the selecting of the edge server further comprises forwarding the address to a database having a predetermined list of addresses corresponding to the plurality of edge servers, and looking up the address corresponding to the edge server in the database, wherein the edge server is a nearest streaming server to the requesting system” (emphasis provided). Kenner does not teach or reasonably suggest using the address associated with the requesting system, the identifier corresponding to the address, the database having a predetermined list of address corresponding to the plurality of edge server to select the nearest streaming edge server to the requesting system, as recited by claim 1. At best, Kenner *attempts to locate a closes server* having the requested clip when it is not found locally and where the *closeness of the server* is not taught or reasonably suggested as closeness to the requesting system, as recited by claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 9, 14, 17, 24 and 27 contain limitations similar to those of claim 1 and accordingly, Applicants request the rejection of claims 9, 14, 17, 24 and 27 and their dependent claims be withdrawn.

New independent claim 30 contains limitations similar to those of claim 1 and accordingly, Applicants submit that claim 30 and its dependent claims are distinguished from the cited reference.

35 U.S.C. § 103 Rejection

Claims 3, 13, 19, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner et al., in view of Alkhatib, U.S. Patent No. 6,119,171 (“Alkhatib”).

With regard to claims 3, 13, 19 and 25, they depend from one of independent claims 1, 9, 17 and 24 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 3, 13, 19 and 25.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicants respectfully petition for a One Month Extension of Time to respond to the outstanding Final Office Action pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

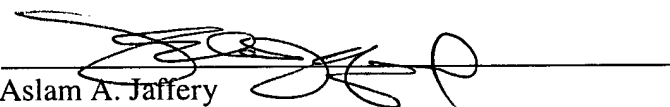
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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